IN THE HIGH COURT OF BOMBAY AT GOA.

CRIMINAL MISCELLANEOUS APPLICATION NO. 48 OF 2003.

Caetano Fernandes presently
serving sentence at Central
Jail, Aguada. ... Applicant.

Versus

1. State of Goa through
   Chief Secretary,
   Panaji, Goa.
2. Inspector General of
   Prisons, Collector North,
   Panaji, Goa.
3. Superintendent of Police,
   North, Panaji, Goa. ... Respondents.

Mrs. A.A. Desai, Advocate for the Applicant.

Mrs. W. Coutinho, Addl. Public Prosecutor for the Respondents.

Coram: P.V. HARDAS, J.

Date: 20th March 2003.

ORAL ORDER.

This is an application filed for modification of the Order of this Court, dated 21st November 2002, in Criminal Writ Petition No. 38 of 2002. This Court, while disposing of the said Criminal Writ Petition, had directed the respondents to make available the medical treatment of Dr. A.K. Biswas of Mapusa, Goa, to the petitioner at the petitioner's cost and responsibility for the consequences which would follow. Thus, this Court had directed that if the petitioner was required to be taken to the hospital of the concerned medical practitioner everyday, the transport charges also would be borne by the petitioner. The applicant in the

present proceedings has stated that the charges for transport are exorbitant and the applicant would be required to spend Rs. 600/- per day, apart from the medical expenses.

2. An affidavit has been presented today by Mrs. Desai, the learned counsel for the applicant, in which it is stated that the applicant is willing to take treatment from Dr. Mrs. Ameeta Sinai Khandeparkar, BAMS., practising at Panaji, who is willing to treat the applicant and is also in a position to make arrangement for getting the applicant admitted in Indira Smriti Raikar Nursing Home, Tonca, Miramar, Goa, if required.

3. The change in the name of the Medical Officer is necessitated on account of the huge expenses, which the applicant would be called upon to bear, in the event he is required to take treatment from Dr. A.K. Biswas, at Mapusa, Goa, as directed by this Court by the aforesaid Order.

4. Mrs. Coutinho, the learned Additional Public Prosecutor, has very fairly stated that the applicant would be provided transport from the Jail to the Hospital of Dr. Mrs. Ameeta Sinai Khandeparkar and to the Indira Smriti Raikar Nursing Home, if the applicant is admitted there, without putting the applicant to the

expense of bearing the transport charges.

5. In view of this, the Order of this Court, dated 21st November 2002, stands, accordingly, modified and as per the statement of the respondents, the respondents to provide free of charge transport to the applicant from the Jail to the hospital of Dr. Mrs. Ameeta Sinai Khandeparkar and to the Indira Smriti Raikar Nursing Home, in the event the applicant is admitted there.

6. Criminal Miscellaneous Application is, accordingly, allowed in the aforesaid terms with no order as to costs.

(P.V. HARDAS)
JUDGE.

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